

1882-034
Lee Co.

Chancery Causes: A. J. Litton vs. Isaac Ely

1204

N.R.

1904-001

1904-013

1904-014

1904-015

1904-016

1904-017

CA-Debt

T-Property

To the Honorable John A. Kelly Judge
of the circuit Court of Lee County Va
Your orator A. J. Litton humbly
Complaining sheweth unto your Honor
that on the 12th, day of November 1859
one Isaac Ely executed his bond to your
orator, for the sum of \$38.82, due & payable
one day after the date thereof, which said
bond is still wholly unpaid and due your
orator, & the same is herewith filed marked
A & proposed to be considered as part hereof
Also an open account dated Nov. 12 1859 for \$6.00 -
Soon after the execution thereof the said
Ely left this Commonwealth, and has
since remained abroad, and until recently
had no effect in this County, but in
the last month his father Hiram Ely
deceased this life intestate and the owner at
the time of his death of a considerable real
& personal estate. The said Isaac is one
of his children & heir at law and as such
there descended to him an undivided interest
in said real estate, the rents & profits of
which will not in five years pay your
orator's debt, administration has not yet
been granted on said estate but when
done so your orator will make its admin-
a party hereto & seek from that source
first the amount of his debt.

The said lands & personal property thus
descended to the said Isaac Ely is situated
in this County some 8 or 10 miles south East
from Knoxville and the land is the same
whereon the said Hiram lived & died

The object of this bill therefore is to
attach said lands & have them held
liable to your orators debt & the future order
of this Court and on a final hearing to have
the said lands & personal property
decided to be sold or so much thereof
as may be necessary to pay said debt
interest & costs - The premises considered
therefore your orators prayer is that
Isaac Ely be made a party defend-
ant to this bill & answer its allegations
upon oath, and upon a hearing a
decree be rendered in favor of your
orator for the amount of said debt in-
terest & costs - and in the mean time that
the undivided interest in said real estate
be attached & held liable for the same
and for all other future & general relief
that may appear necessary &c.

Wm. H. H. H. H. H.

On lck \$3.26

C 2.72

sp 5.00

A 15.00

B 1.20

Notary .75

to 15

\$28.08

A. B. Lott

W. J. Bell. Ohio
Foreign Affairs

Isaac Ely

1881. April, Bill Filed.

Shan't avoid.

" May & June Court.

" July. C. P. & Court.

" Aug. C. P. completed act for
hearing by Plaff.

" Aug Decree & Court.

1882 March & April

\$38.82. One day after date I promise to pay
A.P. order Thirty Eight dollars and
Eighty two Cents for value Rec^d of him
~~Witness~~ my hand and Seal this the 12th
November 1859

his
Isaac C. Cly (Seal)
Mark

Isaac Cady's
Note
\$38.82

A. J. Linton

"
A
"

A. J. Little Off.
 Against } In Chas
Isaac Ely Off.

This cause came on this day again
to be heard upon the papers formerly
read, and was argued by counsel, and
it appearing to the Court that all
the matters and things embraced in said
cause are now fully settled and ad-
justed, this cause is stricken from
the docket —

A. J. Litton

W. S. Secree

3 June

Isaac S. S.

March 5, 1882

Entered on Page

258 J. B. Hyatt

Cher 1/2

Enter this.

April 5, 1882

A. J. Little Poff.

Against


Isaac Ely Sept

} In Chy.

This Cause came on this day to be heard upon the bill of the plff exhibits filed the depositions of witnesses, and the arguments of Counsel. And it appearing that the order of publication has been duly made and published, the cause is set for hearing. On consideration whereof and for reasons appearing to the Court it is adjudged ordered and decreed that the plaintiff, recover from the defendant the sum of \$44.82, and interest ~~thereon~~ thereon from the 13th day of November 1859; except that no interest is to be computed from the 17th day of April 1861 to the 1st day of July 1865; and that the plff recover his costs of suit. And unless the defendant or some one for him pay the same to the plff within 30 days from the rising of this Court then A. L. Pickmore who is hereby appointed a special Commissioner for the purpose will sell the lands attached on in this cause belonging to Isaac Ely or so much thereof as may be necessary to pay the same - He will sell the same on a credit of twelve months except so much as is necessary to pay costs of suit and sale

~~which~~ he will require to be paid in hand
 and take good personal security for the
 payment of the residue. being interest from day
 of sale. He will sell the same on
 some Court day in front of the Court
 House door by public outcry to the
 highest bidder. But before pro-
 ceeding to sell he will post notice
 on the front door of the Court House of
 this county and in the neighborhood where
 the land lies for at least 30 days
 before sale setting out times terms
 and place of sale. He will report
 his action to this Court at some
 future term and the cause is continued.

A. J. Lutton

27  Decree of
Sale.

Isaac Ely

Aug. 1. 1881

Entered Page 212

J. A. Whitt

deputy

Enter this

Aug. 26 1881

J. A. H.

The deposition of A. J. Litton, taken before me at the Law Office of 'Hagan & Pridemore' in the town of Jonesville, Lee County Va., on this, 25th, day of August 1881, which is intended to be read as evidence on behalf of the said A. J. Litton in a certain suit in Chancery now pending in the Circuit Court of Lee County aforesaid wherein the said A. J. Litton is plaintiff and Isaac Ely is defendant.

The said A. J. Litton, being first duly sworn, deposes and says: - That he has before him now a note executed by the said Isaac Ely in his presence for the sum of \$38.82, due and payable one day after date, and dated on the 12th day of November 1859, executed to the witness, and is the note sued on, and marked as Exhibit (A).

The said note is wholly unpaid, and now due the witness, who is the Plaintiff in this cause, and the said Ely also owes to the witness an open account amounting to the sum of six dollars, due & payable on the said 12th day of November 1859, this account is also just and unpaid.

That soon after the execution of said note, and the contracting of said account, the said Ely removed from the state of Virginia, and has since that time continued to reside out of the state.

And further this deponent saith not.

A. J. Litton

Virginia, Lee County, to wit: - I, John B. West,
a Notary Public in and for said County and State,
do hereby certify that the foregoing deposition of A. J.
Littor was taken, sworn to, and subscribed before
me, at the time, place, and for the purposes men-
tioned in caption.

Given under my hand this, 25th, day of August 1887.

John B. West, N.P.

A. J. Sutton
vs. } Depos.
Isaac. Ely.

A.P.'s Fee: 75 cts.

Virginia this day A. J. Litten personally
appeared before me the undersigned &
made oath that Isaac Ely is justly indebted
to the said Litten in the sum of \$38.82
with legal interest thereon from the 13th
day of November 1859, and that as he is
informed & believing the said Ely is a
non-resident of the Commonwealth
of Virginia this March 7th 1881.

Teste - John B. West, Notary Public for
Lee County Va.

A. J. Lister.

My Affidavit.

Isaac Ely

A. J. Litten
Against

Isaac Ely.

} Lis pendens.

The object of this suit is to attach the undivided interest of defendant Isaac Ely in the lands lately owned by his father Hiram Ely situated some miles north east of Jonesville in Lee County, known as the Hiram Ely home tract, and any other lands descended to the said Isaac Ely from the said Hiram situated in Lee County, as held said lands liable to the payment of a debt due the plaintiff by bond for the sum of \$38.82, and interest thereon from the 13th day of Nov. 1857.

Hagan & Redman P. 2.

Virginia Lee county court clerk's office. Mar. 11th 1881
The foregoing lis pendens against the estate of Isaac Ely was this day admitted to record in my office

Wm. James W. Cox, clerk.

A. J. Litten

24 } Lesperence

Isaac Ely

Recorded in Deed
Book No. 19, Page 308.

Geo. C. Cor. D.C.

Steeleyville Va

Isaac Ely

1859

In ac with A. J. Litten

Nov 12th 00 1 pr Boots

4.25-

4.25-

1 fine wool Hat 1.75-

1.75-
6.00

Virginia Lee County to wit This
day Personally Came A. J. Litten before me
the undersigned an acting Justice of the
Peace for Lee County - and made oath that
on the 12th day of November 1859 - the day
that he made a settlement with Isaac Ely
and took his note, that he sold said
Ely the pair Boots & Hat charged above
and had them charged to his Father
~~Hiram~~ Hiram Ely - and about the time
the ac was due I sent the ac to him for
payment and he refused to pay it and
said it would have to look to the one
that bought the goods for pay - and
I have not received any pay or part
thereof for them, given under my
hand this the 2nd day of April 1881.

G. L. Duff J. P.

Isaac Ely

Loza ^{cto}
\$6.00

Isaac Ely

Isaac Ely
\$6.00
J. J. Litten
\$6.00

Virginia.

At Rules held in the Clerk's office of
The Circuit Court of Lee County on Monday
the 4th day of July 1881.

A. J. Litton Plff. }
vs } In Chancery
Isaac Ely Deft. }

The object of this suit is to recover of the
Defendant a debt of \$38.82, due by note, and
with interest thereon from the 13th day of Nov.
1859, till paid, and also an account of \$6. —
due Nov. 12-1859, and to subject to the
payment thereof the Defts interest, in the
land in the bill mentioned, which has
been attached for the purpose.

And it appearing from an affidavit filed
in the case that Isaac Ely is a non-resident
of the Commonwealth of Virginia,

It is ordered that he appear here within
one month after due publication of this
order and do what is necessary to protect
his interest in this suit.

A Copy

Lester J. P. Hyatt Clerk

Lee County to wit.

I certify that I posted a copy
of the within order at the front door of the
Court house on the 1st day of July County
Court 1881,

L. A. P. Hyatt Clerk

A. J. Litton

vs 3rd Ord. Pub.

Isaac. Ely.

The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting:

We command you to summon

Isaac Ely

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in April
next, being rule, to answer a bill in Chancery, exhibited in our said Court against him by

A. J. Little

And have then there this writ. Witness JAMES W. Orr, Clerk of our said Court, at the Courthouse, this
day of March 1881, in the 10th year of the Commonwealth.

John C. Orr, D Clerk.

the proper officer having been made in this case
the officer seeing this writ is ordered to attach the es-
tate of the defendant in Lee County and the
land in his hands, so attached, so to secure and
provide, that the same may be forth coming and
liable to a future order of the court.

James W. Carr, clerk.

A. J. Lister
136 Spa. in Chy.
Isaac Ely

Apr Rules 1881

I have not executed
the within writ be-
cause the deft. is a non-
resident of the state of
Virginia. But have
secured the attachment
hereon endorsed, by se-
izing the same on the
Deft.'s interest ^{the lands of} in his
father, Hiram Ely's,
deceased, lying in
Lee County, Virginia,
and on which said Hi-
ram Ely resided at
the time of his death.

Isaiah Mills D.D.
for J. D. Ely D.D.

OFFICE OF

WILLIAM A. ORR,

Attorney and Counsellor at Law,

Will practice in all the Courts of
LEE, SCOTT, WISE AND WASHINGTON COUNTIES,

And in the

FEDERAL COURT AT ABINGDON.

PROMPT ATTENTION

GIVEN TO THE COL-

LECTION OF CLAIMS.

Jonesville, Lee County, Va.,

July 22 1881

I hereby certify that the Order of
Publication of which the attached is
a copy has been published in the
Lee County Sentinel four successive
weeks, a weekly newspaper published
at Jonesville, Va.

Wm A. Orr,
Editor.

VIRGINIA :—At rules held in the Clerk's
office of the Circuit Court of Lee county
on Monday, the 4th day of July, 1881.

A. J. LITTON, Plff

VS.

ISAAC ELY, Def't.

In Chancery.

The object of this suit is to recover of the
defendant a debt of \$38 82 due by note and
interest thereon from the 13th day of Novem-
ber, 1859, till paid, and also an account of \$6
due Nov. 12, 1859, and to subject to the pay-
ment thereof the defendant's interest in the
land in the bill mentioned, which is attached
for the purpose. And it appearing from an
affidavit filed in the cause that Isaac Ely is a
nonresident of the Commonwealth of Vir-
ginia. It is ordered that he appear here with-
in one month after due publication of this or-
der and do what is necessary to protect his
interest in this suit. A copy—test :—
(Jul 24 81) J. A. G. HYATT, Clerk-

A. J. Litton
as } Ord. Pub.
Indiana City

Line 85